IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7487 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GSRTC - Petitioner(s)

Versus

MUSABHAI A PATEL & 1 - Respondent(s)

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Appearance :

MR ASHISH M DAGLI for Petitioner(s) : 1,
MR KM PAUL FOR MR TR MISHRA for Respondent(s) : 1,
MR HD DAVE ASST GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 25/08/2005

ORAL JUDGMENT

1. In this petition under Articles 226 and 227 of the Constitution of India, the petitioner Gujarat

State Road Transport Corporation has challenged the order passed by the Conciliation Officer and Deputy Commissioner of Labour, Ahmedabad dated 30th July, 2002 by which the said authority has dismissed the approval application submitted by the petitioner and thereby disapporved the action of the petitioner in dismissing the respondent workman.

2. Shri A.M.Dagali, learned advocate has tendered before this Court communication dated 2.8.2005 issued by the Legal Advisor of the petitioner corporation which is taken ordered to be taken on record. On the basis of the aforesaid communication, Shri A.M.Dagali, learned advocate appearing on behalf of the petitioner corporation has submitted that during the pendency of the present special civil application, the respondent workman has approached the petitioner corporation and has requested to substitute the order of punishment and instead of dismissal, punishment of stoppage of three increments with permanent future effect and the respondent workman has also agreed to forego any monetary

benefits from the date of passing of the order of dismissal till the order of new punishment is substituted and the respondent is reinstated in service. Shri Musabhai A. Patel – respondent workman is personally present in the court along with Shri K.M.Paul, learned advocate who submitted that he is filing his Vakalatnama on behalf of the respondent today during the course of the day on behalf of the respondent workman. Said Shri Musabhai A. Patel – respondent herein has also stated and submitted that he has no object with regard to the above punishment. In view of the above, Shri Dagali, learned advocate appearing on behalf of the petitioner seeks permission to withdraw the present special civil application and has further submitted that modified and substituted order of punishment will be passed by the petitioner Corporation on the basis of what is stated hereinabove.

3. The present special civil application is accordingly stands dismissed as withdrawn. Fresh order as per the communication be issued immediately.

4. Rule is discharged. Ad-interim relief, if any, stands vacated.

[M.R.Shah, J.]

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